

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**EUDE ALCIVAR ESTUPINAN-  
CABEZAS,**

**Petitioner,**

**v.**

**UNITED STATES OF AMERICA,**

**Respondent.**

**CIVIL NO. 16-2097 (PAD)**

**ORDER**

Before the court is petitioner's "Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody" (Docket No. 1), which the government opposed (Docket No. 13); and Second "Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody" (Docket No. 18). These motions were referred to U.S. Magistrate Judge Silvia Carreño-Coll, who issued a Report and Recommendation (Docket No. 23). To date, no objections have been filed.

After conducting a *de novo* review of the record, the court concludes that the U.S. Magistrate Judge's findings are supported by the record and the law. In consequence, the court ADOPTS in its entirety the U.S. Magistrate Judge's report for the reasons stated therein. On that basis, plaintiff's motions at Docket Nos. 1 and 18 are DENIED. Judgment shall be entered accordingly.

Pursuant to Rule 11(a) of the Rules Governing Section 2255 Proceedings for the United States District Courts, "[t]he district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant." The court may issue a certificate of appealability upon "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). See,

Jennings v. Stephens 135 S.Ct. 793, 802 (2015). No such showing has been made here. Thus, the court will not issue a Certificate of Appealability.

**IT IS SO ORDERED.**

In San Juan, Puerto Rico, this 5th day of February, 2018.

s/Pedro A. Delgado-Hernández  
PEDRO A. DELGADO-HERNÁNDEZ  
United States District Judge